

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

FALLS CHURCH MEDICAL CENTER,)
LLC d/b/a FALLS CHURCH)
HEALTHCARE CENTER, et al.,)

Plaintiffs,)

v.)

Case No. 3:18-cv-00428-HEH

M. NORMAN OLIVER, Virginia Health)
Commissioner, et al.,)

Defendants.)

MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Defendants M. Norman Oliver, Robert Payne, Faye O. Prichard, Theophani Stamos, Shannon L. Taylor, Anton Bell, Michael N. Herring, and Colin Stolle, by counsel, move to dismiss the complaint in its entirety. For reasons more fully stated in the accompanying memorandum of law in support of this motion, Defendants respectfully request that:

- Count I be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
- Count II be dismissed without prejudice in light of ongoing state judicial and administrative proceedings or, in the alternative, be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
- Count III be dismissed under Rule 12(b)(1) for lack of subject-matter jurisdiction because plaintiffs lack standing to bring it;
- Count IV be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;

- Count V be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
- Count VI be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
- Count VII be dismissed under Rule 12(b)(1) for lack of subject-matter jurisdiction because plaintiffs lack standing to bring it; and
- Count VIII be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

Dated: July 13, 2018

Respectfully submitted,

M. NORMAN OLIVER, Virginia Health Commissioner,
ROBERT PAYNE, Acting Director of Virginia
Department of Health's Office of Licensure and
Certification, **FAYE O. PRICHARD**, Chairperson of the
Virginia Board of Health, **THEOPHANI STAMOS**,
Commonwealth's Attorney for Arlington County and the
City of Falls Church, **SHANNON L. TAYLOR**,
Commonwealth's Attorney for Henrico County, **ANTON
BELL**, Commonwealth's Attorney for the City of
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Attorney for the City of Richmond, **COLIN STOLLE**,
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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2018, a true and accurate copy of this paper was filed electronically with the Court's CM/ECF system, which will automatically effectuate service on:

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